

REMARKS/ARGUMENTS

Claims 1 – 15 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

In the outstanding Office Action, the Examiner indicated that claims 11-13 and 15 would be allowable if rewritten to overcome the Examiner's objections and to include all of the limitations of the base claim and any intervening claims; claims 1 – 15 were objected to for informalities; claims 1 – 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,946,249 to Barlow et al. (hereinafter referred to as "the Barlow et al. '249 patent") and further in view of U.S. Patent No. 5,717,813 to Harman et al. (hereinafter referred to as "the Harman et al. '813 patent"), and claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Barlow et al. '249 patent and the Harman et al. '813 patent and further in view of U.S. Patent No. 6,412,640 to Destanque et al. (hereinafter referred to as "the Destanque et al. '640 patent").

By this Response and Amendment, claims 1, 2, 6 and 11 have been amended to correct informalities noted by the Examiner; and the rejections under 35 U.S.C. §103 are traversed.

Support for the amendment to claim 1 can be found on page 2, lines 2 – 5 of the originally filed specification. Therefore, it is respectfully submitted that the above amendments do not introduce any new matter to this application within the meaning of 35 U.S.C. §132.

Objection to the Claims

The Examiner objected to claims 1 – 15 due to the language in claim 1 reciting "the pivoting region of the cladding part" and due to the language in claim 6 reciting "neighboring shell parts." The Examiner asserts that the language of claim 1 is vague and that the language of claim 6 is confusing. The Examiner also noted antecedent basis inconsistencies in claim 2 and a typographical

error in claim 11.

Response

By this Response and Amendment, Applicant has amended the claims to correct the informalities noted by the Examiner.

Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

Rejections Under 35 U.S.C. §103(a)

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

1. The Barlow Et Al. '249 Patent And Further In View Of The Harman Et Al. '813 Patent

The Examiner rejected claims 1 – 10 as being unpatentable over the Barlow et al. '249 patent and further in view of the Harman et al. '813 patent.

Response

By this Response and Amendment, the Applicant respectfully traverses the Examiner's rejection since all of the features of the presently claimed invention are not disclosed, taught or suggested in the cited prior art.

Independent claim 1 recites: "[a] connector-plug part (1) for an optical plug-in connection, with a connector-plug pin (2), in which an optical waveguide stub (21) extending

over a longitudinal center axis (3) is held, and with a sleeve-like pin holder (4) with a pin receiving section (5), in which the connector-plug pin is held, and with a cable receiving section (6), to which the end of an optical waveguide cable (7) can be fixed in a tension-resistant manner, it being possible for the optical waveguide stub to be welded to the optical waveguide end (23) on the cable side, characterized in that the cable receiving section (6) has at least one cladding part (8, 8'), which can be pivoted at a joint (9) by a certain pivoting angle between an open position and a closed position, the end (22) of the optical waveguide stub (21) that is to be welded lying in the pivoting region of the pivotable cladding part in order to expose the waveguide end that is to be welded, and in that a protective sleeve (25, 25') which can be divided and closed around the welded location is arranged within the cable receiving section (6).”

The Barlow et al. ‘249 patent discloses a fiber optic splice assembly, which main purpose is to hold fibers in position. Such an assembly is not a connector-plug part. There is no connection foreseen to another part in the assembly of the Barlow et al. ‘249 patent.

Likewise, the Harman ‘813 patent discloses a fusion splice element for use in splicing optical fibers. For the splicing operation, a fusion assembly including electrodes (for melting the fibers together) is integrated in the element. The fusion splice element is a tool for connecting optical fibers together (i.e. by splicing) but this element is not part of an optical connection. After a fusion process is finished the spliced fiber will be removed from the fusion splice element. There is no permanent connection between the fiber(s) and the fusion splice element such as it is a premise of a connector-plug part arrangement by definition.

In contrast to the presently claimed invention, the cited prior art combination does not disclose, teach or suggest “a connector-plug pin” or “at least one cladding part, which can be pivoted at a joint” as recited in independent claim 1. On page 3 of the Office Action, the

Examiner acknowledges that these features are not disclosed, taught or suggested by the Barlow et al. '249 patent. The Examiner does not cite the Harman '813 patent, which relates to a completely different technical field, as disclosing, teaching or suggesting these features; rather, the Examiner avers, without evidentiary support, that these features would have been obvious to a person having ordinary skill in the art. The Applicant submits that the cited prior art combination does not disclose, teach or suggest "a connector-plug pin" or "at least one cladding part, which can be pivoted at a joint" as recited in independent claim 1. Further, Applicant requests that the Examiner specifically identify where the prior art suggests each of the features of the presently claimed invention. Thus, for at least the reason that the cited prior art does not disclose, teach or suggest each of the features of the presently claimed invention, the cited prior art combination does not render the presently claimed invention obvious.

In further contrast to the presently claimed invention, it should be noted that "a cable receiving section (6), to which the end of an optical waveguide cable (7) can be fixed in a *tension-resistant manner*" is not disclosed, taught, or suggested in the Barlow et al. '249 patent. The cited prior art is completely silent as to this feature. Thus, for at least this additional reason, the cited prior art combination does not render the presently claimed invention obvious.

Besides the non-disclosed features of the connector-plug pin and the cladding part that can be pivoted as stated by the Examiner, the Examiner overlooks that the arrangement disclosed in the Barlow et al. 249 patent could not be considered as a comparable generic type. The presently claimed invention relates to a connector-plug part for an optical plug-in connection. Such a connector-plug part could be, for example, connected to a socket part (which could be connected to a corresponding connector-plug housing; see last paragraph of the description). But the Barlow et al. '249 patent discloses a fiber optic splice assembly, which main purpose is to

hold fibers in position. Such an assembly is not a connector-plug part. There is no connection foreseen to another part.

The combination of the Barlow et al. '249 patent and the Harman et al. '813 patent would not result in the claimed invention. Indeed, the Harman et al. '249 patent shows arrangements containing parts that can be pivoted at a joint. However, neither the "butterfly" configuration of Figure 1 of the Harman et al. '813 patent nor the embodiment shown in Figure 5b of the Harman et al. '249 patent have a section in which a fiber is held while the hinged lid (14, 72) is pivoted.

Moreover, the prior art does not teach that a plug pin can be pre-assembled in a pin receiving section *see present application* at claim 1; *see also present application* at 2, lines 1 – 8. In the Harman et al. '813 patent, the optical fibers are only held by the lids when the lids are in the closed position. The embodiment of Figure 5a of the Harman et al. '813 patent is not to be considered because the fusion/splicing does not take place in a pivoting region (60).

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §103(a).

2. The Barlow Et Al. '249 Patent And The Harman Et Al. '813 Patent And Further In View Of The Destanque Et Al. '640 Patent

The Examiner rejected claim 14 as being unpatentable over the Barlow et al. '249 patent and the Harman et al. '813 patent and further in view of the Destanque et al. '640 patent.

Response

By this Response and Amendment, Applicant respectfully traverses the Examiner's rejection since all of the features of the presently claimed invention are not disclosed, taught or suggested by

the cited prior art. The arguments above with respect to the combination Barlow et al. '249 patent and the Harman et al. '813 patent is hereby incorporated by reference.

The Destanque et al. '640 patent does not cure the deficiencies of the Barlow et al. '249 patent and the Harman et al. '813 patent. The Destanque et al. '813 patent discloses a make-up compact that includes a lid mounted on a base of the compact. The lid is connected at one of its sides to the base of the compact so that the make-up within the compact can be accessed when the lid is opened. The lid is connected to the base of the compact in a hinged fashion. However, the Destanque et al. '640 patent does not disclose, teach or suggest (and is completely silent as to) "a connector-plug pin" or "at least one cladding part, which can be pivoted at a joint" as recited in independent claim 1. In fact, the Destanque et al. '640 patent is not even from the same field of technology as the presently claimed invention. Thus, the presently claimed invention is not rendered obvious by the cited prior art combination.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §103(a).

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

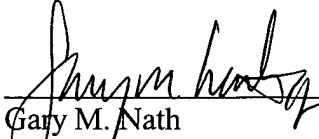
In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

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